

REMARKS/ARGUMENTS

This is a Response to the Office Action mailed March 27, 2007, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire June 27, 2007. Fourteen (14) claims, including four (4) independent claims, were paid for in the application. Claim 3 was canceled by the Applicant in his February 26, 2007, response to the Office Action of October 24, 2006. Claim 12 is currently amended, and claims 1, 5 and 6 have been canceled. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Upon entry of the amendments herewith, claims 2, 4, and 7-15 remain pending.

1. Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 12 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as his invention. Specifically, the Office Action holds that “claim 12 recites a first container and a second container, wherein it is believed that either the first or second container is the recited at least one container. However, based on the claim as drafted, there are three containers: at least one container, a first container, and a second container. Therefore, the claim does not specifically point out three containers since only a first and second are recited.”

Claim 7, upon which claim 12 depends upon, recites the feature of “placing at least one container into the ground.” The phrase “at least one” is understood by one skilled in the arts to mean that one or more containers may be placed into the ground. The limitation of claim 12, as amended herewith, recites the feature of “coupling a further container to the at least one container so that the containers are placed into the ground.” Accordingly, the scope of claim 12, and more particularly, the differences between the scope of claim 7 and the scope of claim 12, is now clearly appreciated by one skilled in the art. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Since claim 12 as amended depends upon allowed claim 7, claim 12 is in condition for immediate allowance without additional search or examination on the part of the Examiner. Accordingly, Applicant respectfully request allowance of claim 12.

2. Rejections Under 35 U.S.C. § 102(e)

In the Office Action, claims 1, 5, and 6 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Pas* (U.S. Patent Application Publication No. 2006/0137348). Applicant respectfully traverses the rejection of claims 1, 5, and 6 for at least the reasons presented in the Applicants' Response to the Office Action mailed October 24, 2006, which is incorporated herein by reference. However, to advance prosecution of the instant application, claims 1, 5, and 6 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public

3. Acknowledgement of Allowed Claims and Allowable Subject Matter

Applicant thanks the Examiner for the allowance of claims 2, 4, 7-11, and 13-15, as noted in the Office Action. Applicant also acknowledges the Examiner's conclusion that the subject matter of claim 12 is allowable, as noted in the Office Action.

4. Conclusion

In light of the above amendments and remarks, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that all pending claims 2, 4, and 7-15 are allowable. Applicant, therefore, respectfully requests that the Examiner reconsider this application and timely allow all pending claims. The Examiner is encouraged to contact Mr. Armentrout by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner

notes any informalities in the claims, he is further encouraged to contact Mr. Armentrout by telephone to expediently correct such informalities.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC



Raymond W. Armentrout
Registration No. 45,866

RWA:cl

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

970054.486USPC / 932295_1 DOC